

Senate File 484

H-8300

1 Amend Senate File 484, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 124.204, subsection 4,
6 paragraphs m and u, Code 2016, are amended by striking
7 the paragraphs.

8 Sec. 2. Section 124.204, subsection 7, Code 2016,
9 is amended by striking the subsection.

10 Sec. 3. Section 124.206, subsection 7, Code 2016,
11 is amended to read as follows:

12 7. *Hallucinogenic substances.* Unless specifically
13 excepted or unless listed in another schedule, any
14 material, compound, mixture, or preparation which
15 contains any quantity of the following substances,
16 or, for purposes of paragraphs "a" and "b", which
17 contains any of its salts, isomers, or salts of isomers
18 whenever the existence of such salts, isomers, or salts
19 of isomers is possible within the specific chemical
20 designation (for purposes of this paragraph only, the
21 term "isomer" includes the optical, positional, and
22 geometric isomers):

23 a. ~~Marijuana when used for medicinal purposes~~
24 ~~pursuant to rules of the board.~~

25 b. Tetrahydrocannabinols, meaning
26 tetrahydrocannabinols naturally contained in a
27 plant of the genus cannabis (cannabis plant) as well
28 as synthetic equivalents of the substances contained
29 in the cannabis plant, or in the resinous extractives
30 of such plant, and synthetic substances, derivatives,
31 and their isomers with similar chemical structure and
32 pharmacological activity to those substances contained
33 in the plant, such as the following:

34 (1) 1 cis or trans tetrahydrocannabinol, and their
35 optical isomers.

1 (2) 6 cis or trans tetrahydrocannabinol, and their
2 optical isomers.

3 (3) 3,4 cis or trans tetrahydrocannabinol, and
4 their optical isomers. (Since nomenclature of these
5 substances is not internationally standardized,
6 compounds of these structures, regardless of numerical
7 designation of atomic positions covered.)

8 ~~b.~~ c. Nabilone [another name for
9 nabilone: (+-) -

10 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-
11 dimethyl-9H-dibenzo[b,d]pyran-9-one].

12 Sec. 4. Section 124.401, subsection 5, unnumbered
13 paragraph 3, Code 2016, is amended to read as follows:

14 A person may knowingly or intentionally recommend,
15 possess, use, dispense, deliver, transport, or
16 administer ~~cannabidiol~~ medical cannabis if the
17 recommendation, possession, use, dispensing, delivery,
18 transporting, or administering is in accordance with
19 the provisions of ~~chapter 124D~~ 124E. For purposes of
20 this paragraph, ~~"cannabidiol"~~ "medical cannabis" means
21 the same as defined in ~~section 124D.2~~ 124E.2.

22 Sec. 5. NEW SECTION. 124E.1 Short title.

23 This chapter shall be known and may be cited as the
24 *"Compassionate Use of Medical Cannabis Act"*.

25 Sec. 6. NEW SECTION. 124E.2 Definitions.

26 As used in this chapter:

27 1. *"Debilitating medical condition"* means any of the
28 following:

29 a. Cancer, if the underlying condition or treatment
30 produces one or more of the following:

- 31 (1) Intractable pain.
- 32 (2) Nausea or severe vomiting.
- 33 (3) Cachexia or severe wasting.

34 b. Multiple sclerosis.

35 c. Epilepsy or seizure disorders.

1 *d.* AIDS or HIV as defined in section 141A.1.
2 *e.* Crohn's disease or ulcerative colitis.
3 *f.* Amyotrophic lateral sclerosis.
4 *g.* Intractable pain.
5 *h.* Glaucoma.
6 *i.* Any terminal illness, with a probable life
7 expectancy of under one year, if the illness or its
8 treatment produces one or more of the following:
9 (1) Intractable pain.
10 (2) Nausea or severe vomiting.
11 (3) Cachexia or severe wasting.
12 *j.* Any other chronic or debilitating disease or
13 medical condition or its medical treatment approved by
14 the department pursuant to rule.
15 2. "*Department*" means the department of public
16 health.
17 3. "*Disqualifying felony offense*" means a violation
18 under federal or state law of a felony offense, which
19 has as an element the possession, use, or distribution
20 of a controlled substance, as defined in 21 U.S.C.
21 §802(6).
22 4. "*Enclosed, locked facility*" means a closet, room,
23 greenhouse, or other enclosed area equipped with locks
24 or other security devices that permit access only by a
25 cardholder.
26 5. "*Health care practitioner*" means an individual
27 licensed under chapter 148 to practice medicine and
28 surgery or osteopathic medicine and surgery or an
29 individual licensed to prescribe medicine in any other
30 state and provides specialty care for an Iowa resident
31 for one or more of the debilitating medical conditions
32 provided in this chapter.
33 6. "*Intractable pain*" means a pain in which the
34 cause of the pain cannot be removed or otherwise
35 treated with the consent of the patient and which, in

1 the generally accepted course of medical practice, no
2 relief or cure of the cause of the pain is possible,
3 or none has been found after reasonable efforts.
4 Reasonable efforts for relieving or curing the cause of
5 the pain may be determined on the basis of but are not
6 limited to any of the following:

7 *a.* When treating a nonterminally ill patient for
8 intractable pain, evaluation by the attending physician
9 and one or more physicians specializing in pain
10 medicine or the treatment of the area, system, or organ
11 of the body perceived as the source of the pain.

12 *b.* When treating a terminally ill patient,
13 evaluation by the attending physician who does so in
14 accordance with the level of care, skill, and treatment
15 that would be recognized by a reasonably prudent
16 physician under similar conditions and circumstances.

17 7. "*Medical cannabis*" means any species of the genus
18 cannabis plant, or any mixture or preparation of them,
19 including whole plant extracts and resins.

20 8. "*Medical cannabis manufacturer*" means an entity
21 licensed by the department to manufacture and to
22 possess, cultivate, transport, or supply medical
23 cannabis pursuant to the provisions of this chapter.

24 9. "*Medical cannabis patient center*" means an entity
25 licensed under section 124E.8 that acquires medical
26 cannabis from a medical cannabis manufacturer in this
27 state for the purpose of dispensing medical cannabis in
28 this state pursuant to this chapter.

29 10. "*Primary caregiver*" means a person, at least
30 eighteen years of age, who has been designated by a
31 patient's health care practitioner or a person having
32 custody of a patient, as a necessary caretaker taking
33 responsibility for managing the well-being of the
34 patient with respect to the use of medical cannabis
35 pursuant to the provisions of this chapter.

1 11. *“Written certification”* means a document signed
2 by a health care practitioner, with whom the patient
3 has established a patient-provider relationship, which
4 states that the patient has a debilitating medical
5 condition and identifies that condition and provides
6 any other relevant information.

7 Sec. 7. NEW SECTION. 124E.3 **Health care**
8 **practitioner certification — duties.**

9 1. Prior to a patient’s submission of an
10 application for a medical cannabis registration card
11 pursuant to section 124E.4, a health care practitioner
12 shall do all of the following:

13 a. Determine, in the health care practitioner’s
14 medical judgment, whether the patient whom the health
15 care practitioner has examined and treated suffers from
16 a debilitating medical condition that qualifies for
17 the use of medical cannabis under this chapter, and
18 if so determined, provide the patient with a written
19 certification of that diagnosis.

20 b. Provide explanatory information as provided by
21 the department to the patient about the therapeutic use
22 of medical cannabis.

23 2. Determine, on an annual basis, if the patient
24 continues to suffer from a debilitating medical
25 condition and, if so, issue the patient a new
26 certification of that diagnosis.

27 3. Otherwise comply with all requirements
28 established by the department pursuant to rule.

29 4. A health care practitioner may provide, but has
30 no duty to provide, a written certification pursuant
31 to this section.

32 Sec. 8. NEW SECTION. 124E.4 **Medical cannabis**
33 **registration card.**

34 1. *Issuance to patient.* The department may approve
35 the issuance of a medical cannabis registration card by

1 the department of transportation to a patient who:

2 *a.* Is at least eighteen years of age.

3 *b.* Is a permanent resident of this state.

4 *c.* Submits a written certification to the
5 department signed by the patient's health care
6 practitioner that the patient is suffering from a
7 debilitating medical condition.

8 *d.* Submits an application to the department, on a
9 form created by the department, in consultation with
10 the department of transportation, that contains all of
11 the following:

12 (1) The patient's full name, Iowa residence
13 address, date of birth, and telephone number.

14 (2) A copy of the patient's valid photo
15 identification.

16 (3) Full name, address, and telephone number of the
17 patient's health care practitioner.

18 (4) Full name, residence address, date of birth,
19 and telephone number of each primary caregiver of the
20 patient, if any.

21 (5) Any other information required by rule.

22 *e.* Submits a medical cannabis registration card
23 fee of one hundred dollars to the department. If the
24 patient attests to receiving social security disability
25 benefits, supplemental security insurance payments, or
26 being enrolled in medical assistance, the fee shall be
27 twenty-five dollars.

28 2. *Patient card contents.* A medical cannabis
29 registration card issued to a patient by the department
30 of transportation pursuant to subsection 1 shall
31 contain, at a minimum, all of the following:

32 *a.* The patient's full name, Iowa residence address,
33 and date of birth.

34 *b.* The patient's photograph.

35 *c.* The date of issuance and expiration date of the

1 registration card.

2 *d.* Any other information required by rule.

3 3. *Issuance to primary caregiver.* For a patient in
4 a primary caregiver's care, the department may approve
5 the issuance of a medical cannabis registration card
6 by the department of transportation to the primary
7 caregiver who:

8 *a.* Is at least eighteen years of age.

9 *b.* Submits a written certification to the
10 department signed by the patient's health care
11 practitioner that the patient in the primary
12 caregiver's care is suffering from a debilitating
13 medical condition.

14 *c.* Submits an application to the department, on a
15 form created by the department, in consultation with
16 the department of transportation, that contains all of
17 the following:

18 (1) The primary caregiver's full name, residence
19 address, date of birth, and telephone number.

20 (2) The patient's full name.

21 (3) A copy of the primary caregiver's valid photo
22 identification.

23 (4) Full name, address, and telephone number of the
24 patient's health care practitioner.

25 (5) Any other information required by rule.

26 *d.* Submits a medical cannabis registration card fee
27 of twenty-five dollars to the department.

28 4. *Primary caregiver card contents.* A medical
29 cannabis registration card issued by the department
30 of transportation to a primary caregiver pursuant to
31 subsection 3 shall contain, at a minimum, all of the
32 following:

33 *a.* The primary caregiver's full name, residence
34 address, and date of birth.

35 *b.* The primary caregiver's photograph.

1 c. The date of issuance and expiration date of the
2 registration card.

3 d. The registration card number of each patient
4 in the primary caregiver's care. If the patient
5 in the primary caregiver's care is under the age of
6 eighteen, the full name of the patient's parent or
7 legal guardian.

8 e. Any other information required by rule.

9 5. *Expiration date of card.* A medical cannabis
10 registration card issued pursuant to this section shall
11 expire one year after the date of issuance and may be
12 renewed.

13 6. *Card issuance — department of*
14 *transportation.* The department may enter into
15 a chapter 28E agreement with the department of
16 transportation to facilitate the issuance of medical
17 cannabis registration cards pursuant to subsections 1
18 and 3.

19 Sec. 9. NEW SECTION. 124E.5 **Medical advisory board**
20 **— duties.**

21 1. No later than August 15, 2016, the director
22 of public health shall establish a medical advisory
23 board consisting of nine practitioners representing the
24 fields of neurology, pain management, gastroenterology,
25 oncology, psychiatry, pediatrics, infectious disease,
26 family medicine, and pharmacy. The practitioners
27 shall be nationally board-certified in their area of
28 specialty and knowledgeable about the use of medical
29 cannabis.

30 2. A quorum of the advisory board shall consist of
31 five members.

32 3. The duties of the advisory board shall include
33 but not be limited to the following:

34 a. Reviewing and recommending to the department for
35 approval additional chronic or debilitating diseases or

1 medical conditions or their treatments as debilitating
2 medical conditions that qualify for the use of medical
3 cannabis under this chapter.

4 *b.* Accepting and reviewing petitions to add chronic
5 or debilitating diseases or medical conditions or their
6 medical treatments to the list of debilitating medical
7 conditions that qualify for the use of medical cannabis
8 under this chapter.

9 *c.* Advising the department regarding the location
10 and number of necessary medical cannabis patient
11 centers throughout the state on a continuous basis, the
12 form and quantity of allowable medical cannabis to be
13 dispensed to a patient or primary caregiver, and the
14 general oversight of medical cannabis manufacturers and
15 medical cannabis patient centers in this state.

16 *d.* Convening at least twice per year to conduct
17 public hearings and to evaluate petitions, which
18 shall be maintained as confidential personal health
19 information, to add chronic or debilitating diseases or
20 medical conditions or their medical treatments to the
21 list of debilitating medical conditions that qualify
22 for the use of medical cannabis under this chapter.

23 **Sec. 10. NEW SECTION. 124E.6 Medical cannabis**
24 **manufacturer licensure.**

25 1. *a.* The department shall license up to two
26 medical cannabis manufacturers to manufacture
27 medical cannabis within this state consistent with
28 the provisions of this chapter by December 1, 2016.
29 The department shall license new medical cannabis
30 manufacturers or relicense the existing medical
31 cannabis manufacturers by December 1 of each year.

32 *b.* Information submitted during the application
33 process shall be confidential until the medical
34 cannabis manufacturer is licensed by the department
35 unless otherwise protected from disclosure under state

1 or federal law.

2 2. As a condition for licensure, a medical cannabis
3 manufacturer must agree to begin supplying medical
4 cannabis to medical cannabis patient centers in this
5 state by July 1, 2017.

6 3. The department shall consider the following
7 factors in determining whether to license a medical
8 cannabis manufacturer:

9 a. The technical expertise of the medical cannabis
10 manufacturer in medical cannabis.

11 b. The qualifications of the medical cannabis
12 manufacturer's employees.

13 c. The long-term financial stability of the medical
14 cannabis manufacturer.

15 d. The ability to provide appropriate security
16 measures on the premises of the medical cannabis
17 manufacturer.

18 e. Whether the medical cannabis manufacturer
19 has demonstrated an ability to meet certain medical
20 cannabis production needs for medical use regarding
21 the range of recommended dosages for each debilitating
22 medical condition, the range of chemical compositions
23 of any plant of the genus cannabis that will likely
24 be medically beneficial for each of the debilitating
25 medical conditions, and the form of the medical
26 cannabis in the manner determined by the department
27 pursuant to rule.

28 f. The medical cannabis manufacturer's projection
29 of and ongoing assessment of fees on patients with
30 debilitating medical conditions.

31 4. The department shall require each medical
32 cannabis manufacturer to contract with the state
33 hygienic laboratory at the university of Iowa in Iowa
34 City to test the medical cannabis produced by the
35 manufacturer. The department shall require that the

1 laboratory report testing results to the manufacturer
2 in a manner determined by the department pursuant to
3 rule.

4 5. Each entity submitting an application for
5 licensure as a medical cannabis manufacturer shall pay
6 a nonrefundable application fee of seven thousand five
7 hundred dollars to the department.

8 Sec. 11. NEW SECTION. 124E.7 **Medical cannabis**
9 **manufacturers.**

10 1. A medical cannabis manufacturer shall contract
11 with the state hygienic laboratory at the university
12 of Iowa in Iowa City for purposes of testing the
13 medical cannabis manufactured by the medical cannabis
14 manufacturer as to content, contamination, and
15 consistency. The cost of all laboratory testing shall
16 be paid by the medical cannabis manufacturer.

17 2. The operating documents of a medical cannabis
18 manufacturer shall include all of the following:

19 a. Procedures for the oversight of the medical
20 cannabis manufacturer and procedures to ensure accurate
21 record keeping.

22 b. Procedures for the implementation of appropriate
23 security measures to deter and prevent the theft of
24 medical cannabis and unauthorized entrance into areas
25 containing medical cannabis.

26 3. A medical cannabis manufacturer shall implement
27 security requirements, including requirements for
28 protection of each location by a fully operational
29 security alarm system, facility access controls,
30 perimeter intrusion detection systems, and a personnel
31 identification system.

32 4. A medical cannabis manufacturer shall not share
33 office space with, refer patients to, or have any
34 financial relationship with a health care practitioner.

35 5. A medical cannabis manufacturer shall not permit

1 any person to consume medical cannabis on the property
2 of the medical cannabis manufacturer.

3 6. A medical cannabis manufacturer is subject to
4 reasonable inspection by the department.

5 7. A medical cannabis manufacturer shall not
6 employ a person under eighteen years of age or who has
7 been convicted of a disqualifying felony offense. An
8 employee of a medical cannabis manufacturer shall be
9 subject to a background investigation conducted by the
10 division of criminal investigation of the department
11 of public safety and a national criminal history
12 background check.

13 8. A medical cannabis manufacturer shall not
14 operate in any location, whether for manufacturing,
15 cultivating, harvesting, packaging, or processing,
16 within one thousand feet of a public or private school
17 existing before the date of the medical cannabis
18 manufacturer's licensure by the department.

19 9. A medical cannabis manufacturer shall comply
20 with reasonable restrictions set by the department
21 relating to signage, marketing, display, and
22 advertising of medical cannabis.

23 10. *a.* A medical cannabis manufacturer shall
24 provide a reliable and ongoing supply of medical
25 cannabis to medical cannabis patient centers pursuant
26 to this chapter.

27 *b.* All manufacturing, cultivating, harvesting,
28 packaging, and processing of medical cannabis shall
29 take place in an enclosed, locked facility at a
30 physical address provided to the department during the
31 licensure process.

32 *c.* A medical cannabis manufacturer shall not
33 manufacture edible medical cannabis products utilizing
34 food coloring.

35 *d.* A medical cannabis manufacturer shall

1 manufacture a reliable and ongoing supply of medical
2 cannabis to treat every debilitating medical condition
3 listed in this chapter.

4 Sec. 12. NEW SECTION. 124E.8 Medical cannabis
5 patient center licensure.

6 1. a. The department shall license by April 1,
7 2017, up to four medical cannabis patient centers to
8 dispense medical cannabis within this state consistent
9 with the provisions of this chapter. The department
10 shall license new medical cannabis patient centers or
11 relicense the existing medical cannabis manufacturers
12 by December 1 of each year.

13 b. Information submitted during the application
14 process shall be confidential until the medical
15 cannabis patient center is licensed by the department
16 unless otherwise protected from disclosure under state
17 or federal law.

18 2. As a condition for licensure, a medical cannabis
19 patient center must agree to begin supplying medical
20 cannabis to patients by July 1, 2017.

21 3. The department shall consider the following
22 factors in determining whether to license a medical
23 cannabis patient center:

24 a. The technical expertise of the medical cannabis
25 patient center regarding medical cannabis.

26 b. The qualifications of the medical cannabis
27 patient center's employees.

28 c. The long-term financial stability of the medical
29 cannabis patient center.

30 d. The ability to provide appropriate security
31 measures on the premises of the medical cannabis
32 patient center.

33 e. The medical cannabis patient center's projection
34 and ongoing assessment of fees for the purchase of
35 medical cannabis on patients with debilitating medical

1 conditions.

2 4. Each entity submitting an application for
3 licensure as a medical cannabis patient center shall
4 pay a nonrefundable application fee of five thousand
5 dollars to the department.

6 Sec. 13. NEW SECTION. 124E.9 **Medical cannabis**
7 **patient centers.**

8 1. a. The medical cannabis patient centers shall
9 be located based on geographical need throughout the
10 state to improve patient access.

11 b. A medical cannabis patient center may dispense
12 medical cannabis pursuant to the provisions of this
13 chapter but shall not dispense any medical cannabis
14 in a form or quantity other than the form or quantity
15 allowed by the department pursuant to rule.

16 2. The operating documents of a medical cannabis
17 patient center shall include all of the following:

18 a. Procedures for the oversight of the medical
19 cannabis patient center and procedures to ensure
20 accurate record keeping.

21 b. Procedures for the implementation of appropriate
22 security measures to deter and prevent the theft of
23 medical cannabis and unauthorized entrance into areas
24 containing medical cannabis.

25 3. A medical cannabis patient center shall
26 implement security requirements, including requirements
27 for protection by a fully operational security alarm
28 system, facility access controls, perimeter intrusion
29 detection systems, and a personnel identification
30 system.

31 4. A medical cannabis patient center shall not
32 share office space with, refer patients to, or have any
33 financial relationship with a health care practitioner.

34 5. A medical cannabis patient center shall not
35 permit any person to consume medical cannabis on the

1 property of the medical cannabis patient center.

2 6. A medical cannabis patient center is subject to
3 reasonable inspection by the department.

4 7. A medical cannabis patient center shall not
5 employ a person under eighteen years of age or who has
6 been convicted of a disqualifying felony offense. An
7 employee of a medical cannabis patient center shall be
8 subject to a background investigation conducted by the
9 division of criminal investigation of the department
10 of public safety and a national criminal history
11 background check.

12 8. A medical cannabis patient center shall not
13 operate in any location within one thousand feet of a
14 public or private school existing before the date of
15 the medical cannabis patient center's licensure by the
16 department.

17 9. A medical cannabis patient center shall
18 comply with reasonable restrictions set by the
19 department relating to signage, marketing, display, and
20 advertising of medical cannabis.

21 10. Prior to dispensing of any medical cannabis,
22 a medical cannabis patient center shall do all of the
23 following:

24 a. Verify that the medical cannabis patient center
25 has received a valid medical cannabis registration card
26 from a patient or a patient's primary caregiver, if
27 applicable.

28 b. Assign a tracking number to any medical cannabis
29 dispensed from the medical cannabis patient center.

30 c. (1) Properly package medical cannabis in
31 compliance with federal law regarding child resistant
32 packaging and exemptions for packaging for elderly
33 patients, and label medical cannabis with a list of
34 all active ingredients and individually identifying
35 information, including all of the following:

1 (a) The name and date of birth of the patient and
2 the patient's primary caregiver, if appropriate.

3 (b) The medical cannabis registration card numbers
4 of the patient and the patient's primary caregiver, if
5 applicable.

6 (c) The chemical composition of the medical
7 cannabis.

8 (2) Proper packaging of medical cannabis shall
9 include but not be limited to all of the following:

10 (a) Warning labels regarding the use of medical
11 cannabis by a woman during pregnancy and while
12 breastfeeding.

13 (b) Clearly labeled packaging indicating that
14 an edible medical cannabis product contains medical
15 cannabis and which packaging shall not imitate candy
16 products or in any way make the product marketable to
17 children.

18 11. A medical cannabis patient center shall employ
19 a pharmacist licensed pursuant to chapter 155A.

20 12. A medical cannabis patient center shall keep
21 a reliable and ongoing supply of medical cannabis to
22 treat every debilitating medical condition listed in
23 this chapter.

24 **Sec. 14. NEW SECTION. 124E.10 Department duties**
25 **— rules.**

26 1. *a.* The department shall maintain a confidential
27 file of the names of each patient to or for whom the
28 department issues a medical cannabis registration
29 card, the name of each primary caregiver to whom the
30 department issues a medical cannabis registration card
31 under section 124E.4, and the names of each health care
32 practitioner who provides a written certification for
33 medical cannabis pursuant to this chapter.

34 *b.* Individual names contained in the file shall be
35 confidential and shall not be subject to disclosure,

1 except as provided in subparagraph (1).

2 (1) Information in the confidential file maintained
3 pursuant to paragraph "a" may be released on an
4 individual basis to the following persons under the
5 following circumstances:

6 (a) To authorized employees or agents of the
7 department and the department of transportation as
8 necessary to perform the duties of the department and
9 the department of transportation pursuant to this
10 chapter.

11 (b) To authorized employees of state or local
12 law enforcement agencies, but only for the purpose of
13 verifying that a person is lawfully in possession of a
14 medical cannabis registration card issued pursuant to
15 this chapter.

16 (c) To authorized employees of a medical cannabis
17 patient center, but only for the purpose of verifying
18 that a person is lawfully in possession of a medical
19 cannabis registration card issued pursuant to this
20 chapter.

21 (2) Release of information pursuant to subparagraph
22 (1) shall be consistent with the federal Health
23 Insurance Portability and Accountability Act of 1996,
24 Pub. L. No. 104-191.

25 2. The department shall adopt rules pursuant to
26 chapter 17A to administer this chapter which shall
27 include but not be limited to rules to do all of the
28 following:

29 a. Govern the manner in which the department shall
30 consider applications for new and renewal medical
31 cannabis registration cards.

32 b. Identify criteria and set forth procedures for
33 including additional chronic or debilitating diseases
34 or medical conditions or their medical treatments
35 on the list of debilitating medical conditions that

1 qualify for the use of medical cannabis. Procedures
2 shall include a petition process and shall allow for
3 public comment and public hearings before the medical
4 advisory board.

5 *c.* Set forth additional chronic or debilitating
6 diseases or medical conditions or associated medical
7 treatments for inclusion on the list of debilitating
8 medical conditions that qualify for the use of medical
9 cannabis as recommended by the medical advisory board.

10 *d.* Establish the form and quantity of medical
11 cannabis allowed to be dispensed to a patient or
12 primary caregiver pursuant to this chapter. The
13 form and quantity of medical cannabis shall be
14 appropriate to serve the medical needs of patients with
15 debilitating conditions.

16 *e.* Establish requirements for the licensure of
17 medical cannabis manufacturers and medical cannabis
18 patient centers and set forth procedures for medical
19 cannabis manufacturers and medical cannabis patient
20 centers to obtain licenses.

21 *f.* Develop a dispensing system for medical cannabis
22 within this state that provides for all of the
23 following:

24 (1) Medical cannabis patient centers within
25 this state housed on secured grounds and operated by
26 licensed medical cannabis patient centers.

27 (2) The dispensing of medical cannabis to patients
28 and their primary caregivers to occur at locations
29 designated by the department.

30 *g.* Specify and implement procedures that address
31 public safety including security procedures and product
32 quality including measures to ensure contaminant-free
33 cultivation of medical cannabis, safety, and labeling.

34 *h.* Establish and implement a real-time, statewide
35 medical cannabis registry management sale tracking

1 system that is available to medical cannabis patient
2 centers on a twenty-four-hour-day, seven-day-a-week
3 basis for the purpose of verifying that a person
4 is lawfully in possession of a medical cannabis
5 registration card issued pursuant to this chapter
6 and for tracking the date of the sale and quantity of
7 medical cannabis purchased by a patient or a primary
8 caregiver.

9 *i.* Establish and implement a medical cannabis
10 inventory and delivery tracking system to track
11 medical cannabis from production by a medical cannabis
12 manufacturer through dispensing at a medical cannabis
13 patient center.

14 Sec. 15. NEW SECTION. **124E.11 Reciprocity.**

15 A valid medical cannabis registration card, or its
16 equivalent, issued under the laws of another state
17 that allows an out-of-state patient to possess or
18 use medical cannabis in the jurisdiction of issuance
19 shall have the same force and effect as a valid
20 medical cannabis registration card issued pursuant to
21 this chapter, except that an out-of-state patient in
22 this state shall not obtain medical cannabis from a
23 medical cannabis patient center in this state and an
24 out-of-state patient shall not smoke medical cannabis.

25 Sec. 16. NEW SECTION. **124E.12 Use of medical
26 cannabis — smoking prohibited.**

27 A patient shall not consume medical cannabis
28 possessed or used as authorized by this chapter by
29 smoking medical cannabis.

30 Sec. 17. NEW SECTION. **124E.13 Use of medical
31 cannabis — affirmative defenses.**

32 1. A health care practitioner, including any
33 authorized agent or employee thereof, shall not be
34 subject to prosecution for the unlawful certification,
35 possession, or administration of marijuana under the

1 laws of this state for activities arising directly
2 out of or directly related to the certification or
3 use of medical cannabis in the treatment of a patient
4 diagnosed with a debilitating medical condition as
5 authorized by this chapter.

6 2. A medical cannabis manufacturer, including any
7 authorized agent or employee thereof, shall not be
8 subject to prosecution for manufacturing, possessing,
9 cultivating, harvesting, packaging, processing,
10 transporting, or supplying medical cannabis pursuant
11 to this chapter.

12 3. A medical cannabis patient center, including
13 any authorized agent or employee thereof, shall not be
14 subject to prosecution for transporting, supplying, or
15 dispensing medical cannabis pursuant to this chapter.

16 a. In a prosecution for the unlawful possession
17 of marijuana under the laws of this state, including
18 but not limited to chapters 124 and 453B, it is an
19 affirmative and complete defense to the prosecution
20 that the patient has been diagnosed with a debilitating
21 medical condition, used or possessed medical
22 cannabis pursuant to a certification by a health care
23 practitioner as authorized under this chapter, and,
24 for a patient eighteen years of age or older, is in
25 possession of a valid medical cannabis registration
26 card.

27 b. In a prosecution for the unlawful possession
28 of marijuana under the laws of this state, including
29 but not limited to chapters 124 and 453B, it is an
30 affirmative and complete defense to the prosecution
31 that the person possessed medical cannabis because the
32 person is a primary caregiver of a patient who has been
33 diagnosed with a debilitating medical condition and is
34 in possession of a valid medical cannabis registration
35 card, and where the primary caregiver's possession of

1 the medical cannabis is on behalf of the patient and
2 for the patient's use only as authorized under this
3 chapter.

4 c. If a patient or primary caregiver is charged
5 with the commission of a crime and is not in possession
6 of the person's medical cannabis registration card,
7 any charge or charges filed against the person shall
8 be dismissed by the court if the person produces to
9 the court prior to or at the person's trial a medical
10 cannabis registration card issued to that person and
11 valid at the time the person was charged.

12 4. An agency of this state or a political
13 subdivision thereof, including any law enforcement
14 agency, shall not remove or initiate proceedings to
15 remove a patient under the age of eighteen from the
16 home of a parent based solely upon the parent's or
17 patient's possession or use of medical cannabis as
18 authorized under this chapter.

19 Sec. 18. NEW SECTION. **124E.14 Fees.**

20 Medical cannabis registration card fees and medical
21 cannabis manufacturer and medical cannabis patient
22 center application and annual fees collected by the
23 department pursuant to this chapter shall be retained
24 by the department, shall be considered repayment
25 receipts as defined in section 8.2, and shall be
26 used for the purpose of regulating medical cannabis
27 manufacturers and medical cannabis patient centers and
28 for other expenses necessary for the administration of
29 this chapter. Notwithstanding section 8.33, moneys
30 that remain unencumbered or unobligated at the end of
31 the fiscal year shall not revert to the general fund
32 of the state.

33 Sec. 19. NEW SECTION. **124E.15 Penalties.**

34 1. A person who knowingly or intentionally
35 possesses or uses medical cannabis in violation of

1 the requirements of this chapter is subject to the
2 penalties provided under chapters 124 and 453B.

3 2. A medical cannabis manufacturer or a medical
4 cannabis patient center shall be assessed a civil
5 penalty of up to one thousand dollars per violation for
6 any violation of this chapter in addition to any other
7 applicable penalties.

8 Sec. 20. REPEAL. Chapter 124D, Code 2016, is
9 repealed.

10 Sec. 21. EMERGENCY RULES. The department may
11 adopt emergency rules under section 17A.4, subsection
12 3, and section 17A.5, subsection 2, paragraph "b", to
13 implement the provisions of this Act and the rules
14 shall be effective immediately upon filing unless
15 a later date is specified in the rules. Any rules
16 adopted in accordance with this section shall also be
17 published as a notice of intended action as provided
18 in section 17A.4.

19 Sec. 22. TRANSITION PROVISIONS. A medical cannabis
20 registration card issued under chapter 124D prior to
21 July 1, 2016, remains effective and continues in effect
22 as issued for the twelve-month period following its
23 issuance. This Act does not preclude the permit holder
24 from seeking to renew the permit under this Act prior
25 to the expiration of the twelve-month period.>

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